

REMARKS

In a non-final office action mailed January 24, 2008 ("Office Action"), all pending claims 47-54 were rejected over Carlsson et al. (U.S. Patent No. 7,092,381), either alone or in combination with a second reference. This marks the third time that these claims have been rejected over the same references. These rejections are still improper for at least the reasons presented in previous responses from the Applicant dated February 1, 2007 and January 2, 2008, the contents of which are incorporated herein by reference. However, Applicant has amended independent claims 47 and 51 to further clarify the claimed subject matter. No new matter has been introduced. Applicant requests reconsideration of the pending claims in view of these amendments, the previously presented arguments, and the following comments.

Section 103 rejections of claims 49 and 53

Applicant notes as an initial matter that the subject matter of Carlsson and the claimed invention of claims 49 and 53 were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely LM Ericsson Telefonaktiebolaget of Sweden, the parent company of Ericsson, Inc., the assignee of the present application. Thus, the Carlsson reference, which qualifies as prior art only under 35 U.S.C. § 102(e), is not available for use in a Section 103 rejection. The rejections of claims 49 and 53 must be withdrawn for at least this reason. This showing was presented in the Applicant's previous response dated January 2, 2008; the present Office Action makes no mention of this showing. The reinstatement of the obviousness rejections of claims 49 and 53 over Carlsson is clearly improper.

Section 112 rejection of claim 47

Claim 47 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 47 has been amended to refer to an "internetworking function" that, *inter alia*, includes a teleservice server (rather than an "interworking" function). There is ample support for this term in the specification. For instance, see page 5, line 30 – page 6, line 2: "Circuit-switched network 150 may include ... a General UDP Transport Service (GUTS)/GPRS Internetworking Function (GGIWF) device 305. GGIWF 305 may include a GUTS teleservice server ..." See also Figure 3, which pictures internetworking function 305 bridging TIA/EIA-136 network 150 and GPRS network 155. Applicant respectfully requests withdrawal of this rejection in view of the present amendments.

Section 102 rejections of claims 47-48, 50-52, and 54

In the Office Action's "Response to Arguments" (page 2), the Examiner disagrees with Applicant's previous assertion that "Carlsson never discusses the origination of packets at a mobile terminal operating in a TIA/EIA-136 network." In view of the current amendments, Applicant suggests an alternative formulation of this assertion: Carlsson never discusses the transfer of packets *to and from a mobile terminal via an air interface of a TIA/EIA-136 network*, as recited in claim 47. Nor does Carlsson suggest receiving mobile originated packets at a teleservice server from a mobile station *via an air interface of a TIA/EIA-136 network*. Applicant submits that this clarification should make clearer Applicant's comments regarding Carlsson in previous responses.

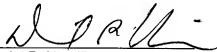
Briefly reiterating those discussions, although Carlsson discloses that a mobile terminal might be capable of operating in a circuit-switched network, such as a TIA/EIA-136 network and might

also be connected to a packet data network, such as a GPRS network, Carlsson does not disclose the transfer of packet data from a mobile station, via a TIA/EIA-136 air interface, to an internetworking function, and from there to a GPRS network. Instead, Carlsson teaches only that packet data originating in a GPRS network may be relayed to a mobile terminal operating in a TIA/EIA-136 network via an interworking function and broadcast teleservices equipment. Carlsson does not teach "a teleservice server for transferring packet data to and from a mobile station via an air interface of said TIA/EIA-136 network," as recited in independent claim 47. Nor does Carlsson teach "receiving mobile originated packets at a first communications interface of a teleservice server from a mobile station via an air interface of a TIA/EIA-136 network," as recited in independent claim 51. Independent claims 47 and 51, and their dependent claims 48-50 and 52-54, respectively, are thus patentably distinct from the cited prior art.

In view of the present amendments and the arguments presented herein, Applicant submits that the pending claims are patentably distinguishable over the cited art and should be allowed. Applicant requests reconsideration of the present application.

Respectfully submitted,

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